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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,584	12/20/2001	Michael V. Chobotov	24641-1120	4975
20350	7590	07/21/2004		
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER CHATTOPADHYAY, URM1	
			ART UNIT	PAPER NUMBER
			3738	

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/029,584

Applicant(s)

CHOBOTOV ET AL.

Examiner

Urmi Chattopadhyay

Art Unit

3738

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☒ Applicant's reply has overcome the following rejection(s): 112, first and second paragraphs.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: 68 and 73.

Claim(s) rejected: 1,3-6,12-20,22-25,30-35,37,62-67,69-72,74-78 and 83-90.


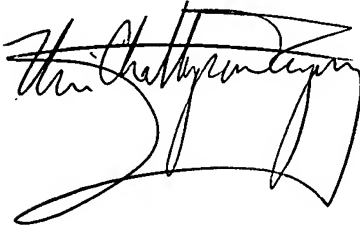
Claim(s) withdrawn from consideration: 7-10,26-29,36 and 79-82.

8. ☒ The drawing correction filed on 09 June 2004 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet

Continuation of 2. NOTE: Independent claims 1, 19, 20, 34, 74 and 90 have been amended so that the "loop portion" is now --flap of flexible material--, with respect to what is being secured to itself and another layer. This amendment requires further consideration and a new search because the scope of the claims have been broadened. The loop portion is defined in the claims as the flap of flexible material that is forming the joint or joining means of the transversely oriented member/connector member/member to the flexible material portion. The flap of flexible material may include portions other than the loop portion as defined, wherein it is those portions, and not the loop portion, that comprise the layer that is secured to itself and another layer. New claims 91 and 93 substantially incorporate the subject matter of claims 68 and 73, respectively. However, because "loop portion" has been replaced with "flap of flexible material", further consideration and a new search is required, as explained above. This same issue also goes for new claim 95. The deletion of the limitation "and secured" in claims 1, 20, 62, 69, 74, 91 and 93 also changes the scope of the claims. Applicant has amended claim 35 to include the new limitation of securing the flap of flexible material to --another layer--, and claims 1, 19, 20, 34, 62, 69, 74, 90, 91 and 93 have been amended to include the new limitation of the flap of flexible material or flap means being secured to --another layer--. These new limitations were not previously claimed in combination with every other limitation of the claims in which they are incorporated, and therefore require further consideration and a new search.

Continuation of 10. Other: While the proposed amendment will not be entered, the approved drawing correction will be entered.

URMI CHATTOPADHYAY



David J. Isabella
Primary Examiner